

## REMARKS

Claims 1-38 and 43-48 are pending. Claims 39-42 are withdrawn in response to a Restriction Requirement. Applicant reserves the right to file the withdrawn claims in a later filed divisional application. Claim 1 is amended. Claims 43-48 are added. Applicant requests reconsideration and reexamination of the pending Claims.

The specification has been amended to include reference numerals mentioned in the figures but not mentioned in the specification. The specification has also been amended to remove superfluous information regarding attorney docket numbers. No new matter has been added. The specification is now in condition for allowance.

Claims 1-22 and 26-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsuji et al. (USPN 6,005,835) Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuji et al. in view of Jiang et al. (USPN 5,757,741) Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuji et al. in view of Oka (USPN 5,388,113) Applicant overcomes the rejections as follows.

Claim 1 sets forth, *inter alia*, an optical element unit “having a first beam shaping optical element and second beam shaping optical element which receive light output at said light output location to modify the angular divergence of the light output.”

As disclosed in Applicant’s specification “beam-shaping optics 1808, 1810 may be refractive and/or diffractive components placed in the path of the outgoing beam e.g., to modify the angular divergence of the laser beam, e.g., specifically to achieve a desired beam profile at the pupil 1852 of the objective lens 1854.” Applicant failed to find any disclosure in Tsuji et al. which teaches or suggests the beam shaping optics of Claim 1.

The Examiner seems to indicate that “transparent substrate 109” is equivalent to the optical element unit of Claim 1. Applicant could find no disclosure in Tsuji et al., neither in transparent substrate 109 or elsewhere, of a structure that teaches or suggests the first beam shaping optical element and second beam shaping optical element of the present invention.

Instead, Tsuji et al. discloses, for example, in FIG. 6, a single “polarization beam splitter film 53 comprising a multi-layer of a composite film made of Si and SiO<sub>2-x</sub> (x=0.2) and multiple layers of multiple dielectric films... is disposed on an angled plane 52 of the glass material 51.” (Tsuji et al., col. 12, lines 10-15) This feature disclosed in Tsuji et al. does not anticipate the features of Applicant’s Claim 1.

Tsuji et al. fails to teach or suggest, and therefore fails to anticipate, the first beam shaping optical element and second beam shaping optical element set forth in Claim 1, thus, Claim 1 is allowable over the cited reference.

Claim 28 sets forth, *inter alia*, first and second spaced-apart photodetector arrays, "each of said photodetector arrays providing output which is sensitive to position of light along a first axis of said photodetector arrays and substantially insensitive to position of light along a second, substantially perpendicular, axis of said photodetector arrays."

Applicant submits that although Tsuji et al. does disclose a type of photodetector array, Applicant could find no teaching or suggestion in Tsuji et al. which anticipates the photodetector array as set forth in Claim 28. Accordingly, Claim 28 is allowable over the cited reference.

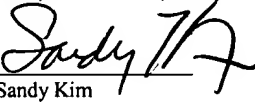
Claims 2-27 and 34-38 depend from Claim 1 and are therefore allowable for at least the same reason as Claim 1. Claims 29-33 depend from Claim 28 and are therefore allowable for at least the same reason as Claim 28.

New Claims 43-48 have been added to provide further protection for the claimed invention. No new matter has been added. Support for Claims 43-48 can be found throughout Applicant's specification and figures. Accordingly, Claims 43-48 are allowable.

CONCLUSION


For the above reasons, pending Claims 1-38 and 43-48 are in condition for allowance and allowance of the application is hereby solicited. If the Examiner has any questions or concerns, a telephone call to the undersigned at (949) 752-7040 is welcomed and encouraged.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450, on October 9, 2003.

  
Sandy Kim

October 9, 2003

Respectfully submitted,

  
Theodore P. Lopez  
Attorney for Applicant(s)  
Reg. No. 44,881